

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-X

UNITED STATES OF AMERICA *ex rel.*  
ROSEMARIE HENNESSEY,

Plaintiffs,

v.

DR. VIKAS DESAI, et al.,

Defendants.

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT, N.Y.  
★ AUG 12 2015  
LONG ISLAND CITY, N.Y.  
CLERK

**STIPULATION AND  
ORDER TO BE  
FILED UNDER SEAL**

Civil Action No.  
CV-10-3851

(Wexler, J.)

WHEREAS, on or about August 18, 2010, Relator Rosemarie Hennessey ("Relator") filed the above-referenced action, in which she asserted claims on behalf of the United States pursuant to the *qui tam* provisions of the federal False Claims Act, 31 U.S.C. § 3729 *et seq.* (the "FCA");

WHEREAS, in accordance with 31 U.S.C. § 3730(b), Relator's complaint was deemed sealed for a period of at least sixty days from the date of service of Relator's disclosure material on the United States;

WHEREAS, the defendants in this case have not been served with the complaint in this action, and thus have not filed an Answer;

WHEREAS, the United States has elected to intervene in this action against certain defendants, namely Vikas Desai, M.D., Edmund Ross, M.D. and Robert Maccone, M.D.;

WHEREAS, Relator has informed the United States that she seeks to voluntarily dismiss her complaint against the remaining defendants without prejudice;

WHEREAS, the United States does not object to the case against all defendants

*In re CV-13851 Relator's dismissal of remaining defendants without prejudice*

other than Drs. Desai, Ross and Maccone being dismissed without prejudice;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED between Relator's counsel and the undersigned counsel for the United States that:

1. Relator's complaint, and any and all claims contained therein against all defendants other than Drs. Desai, Ross and Maccone in that complaint, is hereby dismissed without prejudice pursuant to Rule 41(e)(1) of the Federal Rules of Civil Procedure.

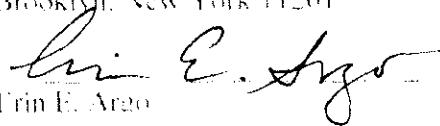
2. The United States does not object to this action being dismissed without prejudice as to all defendants other than Drs. Desai, Ross and Maccone.

3. The Clerk of the Court shall provide the United States Attorney's Office, Eastern District of New York, 271 Cadman Plaza, Brooklyn, New York 11201, Attn: AUSA Erin E. Argo with a copy of this fully executed order.

Dated: Brooklyn, New York  
August 12, 2015

KELLY L. CURRIN  
Acting United States Attorney  
Eastern District of New York  
271 Cadman Plaza East  
Brooklyn, New York 11201

By:

  
Erin E. Argo  
Assistant U.S. Attorney  
(718) 254-6049

Dated: Woodbury, New York  
August 17, 2015

By:

  
THE LAW OFFICE OF DOUGLAS M.  
REDA  
180 Froehlich Farm Road  
Woodbury, New York 10517  
Douglas M. Reda, Esq.  
Attorney for Relator  
(516) 921-1873

SO ORDERED:

Dated: Central Islip, New York

AUGUST 12, 2015

LEONARD D. WEXLER  
THE HONORABLE LEONARD D. WEXLER  
UNITED STATES DISTRICT JUDGE, E.D.N.Y.